

EXHIBIT W

Plaintiff's Responses to First Set of Requests for
Production of Documents

RFP

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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

SWITCH, LTD. a Nevada limited liability
company,

Plaintiff,

vs.

STEPHEN FAIRFAX; MTECHNOLOGY; and
DOES 1 through 10; ROE ENTITIES 11
through 20, inclusive,

Defendants.

Case No.: 2:17-cv-2651-GMN-VCF

**PLAINTIFF SWITCH, LTD. FIRST SET
OF REQUESTS FOR PRODUCTION OF
DOCUMENTS TO DEFENDANT
STEPHEN FAIRFAX**

PROPOUNDING PARTY: Plaintiff SWITCH, LTD.

RESPONDING PARTY: Defendant FAIRFAX

Pursuant to Federal Rules of Civil Procedure 26 and 34, Plaintiff SWITCH, LTD.,
("SWITCH") hereby requests that Defendant Stephen Fairfax ("FAIRFAX") produce the
documents and things identified below:

INTRODUCTORY STATEMENT

A. Pursuant to Nevada Rule of Civil Procedure 26(e), the following **requests for production of documents and things are continuing and must be supplemented if your responses change during the course of discovery.**

B. To the extent that any information/documentation requested by these Requests for Production is unknown to you, so state, and set forth such remaining information as is known by you. If any estimate or approximation can reasonably be made in place of unknown information, set forth your best estimate or approximation, clearly designated as such, in place of the unknown information, and describe the basis upon which the estimate or approximation is made.

C. The omission of any item from your responses shall be deemed a representation that the item is unknown to you.

D. In construing these Requests to Produce, the terms “refer to” shall include any and all logical and factual connections to the subject of the discovery request as specified.

E. Use of the term “**data**” shall include but not be limited to information regardless of form, such as documents, emails to or from business and/or personal accounts, text messages, calendar invites, notes, application data, videos, photographs, audio or visual recordings, meta data, blogs, tweets, social media postings, correspondence, designs, blue prints, schematics, opinions, assessments, analysis, etc., and all versions of the same, which are germane to the Request.

F. Use of the term “plaintiff” or “you” shall mean STEPHEN FAIRFAX.

G. All singular nouns are to be construed as plural and plural construed as singular.

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1 H. In the event that you refuse to respond to any Request to Produce, or portion
2 thereof, on the grounds that it is subject to an attorney-client privilege or attorney work
3 product privilege, you are required to:

- 4 a. state the nature of the privilege asserted;
- 5 b. state the facts relied upon in support of the claim or privilege;
- 6 c. identify all persons having knowledge or any facts related to the claim
7 or privilege; and
- 8 d. identify all events, transactions, or occurrences related to the claim of
9 privilege.

10 **DOCUMENTS REQUESTED**

11 **REQUEST NO. 1:**

12 Please produce complete and accurate copies of any and all DATA regarding Aligned
13 from January 1, 2011, to the present.

14 **REQUEST NO. 2:**

15 Please produce complete and accurate copies of all agreements between FAIRFAX
16 and Aligned.

17 **REQUEST NO. 3:**

18 Please produce complete and accurate copies of all agreements between Defendant
19 MTECHNOLOGY and Aligned.

20 **REQUEST NO. 4:**

21 Please produce complete and accurate copies of any and all DATA related to Jones
22 Lang LaSalle from January 1, 2011, to the present.

23 **REQUEST NO. 5:**

24 Please produce complete and accurate copies of any and all DATA related to Aligned
25 Energy from January 1, 2011, to the present.

REQUEST NO. 6:

Please produce complete and accurate copies of any and all DATA related to Inertech from January 1, 2011 to the present.

REQUEST NO. 7:

Please produce complete and accurate copies of any and all DATA related to Uber from January 1, 2011, to the present.

REQUEST NO. 8:

Please produce complete and accurate copies of any and all DATA related to eBay from January 1, 2011, to the present.

REQUEST NO. 9:

Please produce complete and accurate copies of any and all DATA related to PayPal from January 1, 2011, to the present.

REQUEST NO. 10:

Please produce complete and accurate copies of any and all DATA related to Theresa Gardner from January 1, 2011, to the present.

REQUEST NO. 11:

Please produce complete and accurate copies of any and all DATA related to Mark Bauer from January 1, 2011, to the present.

REQUEST NO. 12:

Please produce complete and accurate copies of any and all DATA related to Carter Robinson from January 1, 2011, to the present.

REQUEST NO. 13:

Please produce complete and accurate copies of any all DATA related to Marew Klokkenja from January 1, 2011, to the present.

1 **REQUEST NO. 14:**

2 Please produce complete and accurate copies of any and all DATA related to Bret
3 Davis from January 1, 2011, to the present.

4 **REQUEST NO. 15:**

5 Please produce complete and accurate copies of any and all DATA related to Mike
6 Lewis from January 1, 2011, to the present.

7 **REQUEST NO. 16:**

8 Produce complete and accurate copies of any and all DATA related to Dean Nelson
9 from January 1, 2011, to the present.

10 **REQUEST NO. 17:**

11 Produce complete and accurate copies of any and all DATA related to Mazen
12 Rawashdeh from January 1, 2011, to the present.

13 **REQUEST NO. 18:**

14 Please produce complete and accurate copies of any and all DATA related to Thomas
15 Price from January 1, 2011, to the present.

16 **REQUEST NO. 19:**

17 Please produce complete and accurate copies of any and all DATA related to Paul
18 Santana from January 1, 2011, to the present.

19 **REQUEST NO. 20:**

20 Produce complete and accurate copies of any and all DATA related to Stephen
21 Harlett from January 1, 2011, to the present.

22 **REQUEST NO. 21:**

23 Please produce complete and accurate copies of any and all DATA related to Richard
24 Reyher from January 1, 2011, to the present.

REQUEST NO. 22:

Please produce complete and accurate copies of any and all DATA related to Seth Feldman from January 1, 2011, to the present.

REQUEST NO. 23:

Please produce complete and accurate copies of any and all DATA related to Devin Wenig from January 1, 2011, to the present.

REQUEST NO. 24:

Please produce complete and accurate copies of any and all DATA related to Jakob Carnemark from January 1, 2011, to the present.

REQUEST NO. 25:

Please produce complete and accurate copies of any and all DATA related to Andrew Schaap from January 1, 2011, to the present.

REQUEST NO. 26:

Please produce complete and accurate copies of any and all DATA related to Stephen Smith from January 1, 2011, to the present.

REQUEST NO. 27:

Please produce complete and accurate copies of any and all DATA related to Rajendran Avadaippan from January 1, 2011, to the present.

REQUEST NO. 28:

Please produce complete and accurate copies of any and all video footage, including b-roll footage, YOU received and/or have in YOUR possession, with regard to the ALIGNED videos.

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1 **REQUEST NO. 29:**

2 Please produce complete and accurate copies of any and all payments made to YOU
3 by Aligned, or any Aligned employees.

4 **REQUEST NO. 30:**

5 Please produce complete and accurate copies of any and all communications
6 regarding payments received by MTECHNOLOGY and/or YOU from Aligned or any
7 Aligned employees.

8 **REQUEST NO. 31:**

9 Please produce complete and accurate copies of any and all bank records from 2011
10 to present in YOUR control reflecting financial transactions with individuals or entities
11 affiliated with Aligned, Aligned Energy, Inertech, eBay, and/or Paypal.

12 **REQUEST NO. 32:**

13 Please produce complete and accurate copies of any and all of YOUR cell phone
14 records evidencing communications with individuals or entities affiliated with Aligned,
15 Aligned Energy, Inertech, eBay, and/or Paypal between yourself and from 2010 to present.

16 **REQUEST NO. 33:**

17 Please produce complete and accurate copies of any and all DATA evidencing
18 Aligned designs created between January 1, 2011, and the present.

19 **REQUEST NO. 34:**

20 Please produce complete and accurate copies of DATA evidencing Aligned Energy
21 designs created between January 1, 2011, and the present.

22 **REQUEST NO. 35:**

23 Please produce complete and accurate copies of DATA evidencing Inertech designs
24 created between January 1, 2011, and the present.

REQUEST NO. 36:

Please produce complete and accurate copies of DATA evidencing YOUR data center designs created between January 1, 2011, and the present.

REQUEST NO. 37:

Please produce complete and accurate copies of any and all DATA related to Switch from January 1, 2011, to the present.

REQUEST NO. 38:

Please produce complete and accurate copies of any and all DATA related to Rob Roy from January 1, 2011, to the present.

REQUEST NO. 39:

Please produce all DATA related to your design work for Aligned.

REQUEST NO. 40:

Please produce complete and accurate copies of your analysis of Aligned's designs created between January 1, 2011, and the present.

REQUEST NO. 41:

Please produce complete and accurate copies of your analysis of Aligned Energy's designs created between January 1, 2011, and the present.

REQUEST NO. 42:

Please produce complete and accurate copies of your analysis of Inertech's designs created between January 1, 2011, and the present.

REQUEST NO. 43:

Please produce complete and accurate copies of all collaborations with Aligned regarding Aligned's data center designs created between January 1, 2011, and the present.

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REQUEST NO. 44:

Please produce all DATA related to your retention as a consultant with Aligned.

REQUEST NO. 45:

Please produce complete and accurate copies of all DATA regarding Aligned's data center designs created between January 1, 2011, and the present.

DATED this 16th day of March, 2018.

WEIDE & MILLER, LTD.

/s/ F. Christopher Austin
F. Christopher Austin
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Ryan Gile
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7251 W. Lake Mead Blvd., Ste. 530
Las Vegas, NV 89128
Attorneys for Plaintiff SWITCH, LTD.

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Weide & Miller, Ltd. and that on March 19, 2018, I served a full, true and correct copy of the foregoing **PLAINTIFF SWITCH, LTD. FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO DEFENDANT STEPHEN FAIRFAX** by email and regular U.S. mail, with postage duly prepaid thereon, addressed to the following:

Marc J. Randazza, Esq.
Ronald D. Green, Esq.
Alex J. Shepard, Esq.
Randazza Legal Group, PLLC
4035 S. El. Capitan Way
Las Vegas, NV 89147
702-420-2001
efc@randazza.com
Attorneys for Defendants STEPHEN FAIRFAX and MTECHNOLOGY

/s/ Sally Wexler
An employee of Weide & Miller, Ltd.